

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

193D0150

HOUSE BILL NO. 1171

Introduced by: Representatives Hunt, Brooks, Cerny, Chicoine, Diedrich (Larry), Diedrich (Elmer), Duenwald, Engbrecht, Fitzgerald, Garnos, Heineman, Juhnke, Koskan, McNenny, Monroe, Napoli, Sebert, Smidt, Volesky, Weber, Wetz, and Wilson and Senators Halverson, Benson, Brown (Arnold), Drake, Dunn (Rebecca), Flowers, Hutmacher, Kleven, Kloucek, Lange, Lawler, Madden, Olson, Rounds, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to define the term, fetus.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 34-23A-1 be amended to read as follows:

4 34-23A-1. Terms as used in this chapter mean:

5 (1) "Abortion," the use of any means to intentionally terminate the pregnancy of a female
6 known to be pregnant with knowledge that the termination with those means will,
7 with reasonable likelihood, cause the death of the fetus;

8 (2) "Fetus," the biological offspring, including the implanted embryo or unborn child, of
9 human parents;

10 (3) "Medical emergency," any condition which, on the basis of the physician's good faith
11 clinical judgment, so complicates the medical condition of a pregnant female as to
12 necessitate the immediate abortion of her pregnancy to avert her death or for which
13 a delay will create serious risk of substantial and irreversible impairment of a major
14 bodily function;

1 ~~(3)~~(4) "Parent," one parent of the pregnant minor or the guardian or conservator of the
2 pregnant female;

3 ~~(4)~~(5) "Physician," a person licensed under the provisions of chapter 36-4 or a physician
4 practicing medicine or osteopathy in the employ of the government of the United
5 States or of this state;

6 ~~(5)~~(6) "Probable gestational age of the unborn child," what, in the judgment of the physician,
7 will with reasonable probability be the gestational age of the unborn child at the time
8 the abortion is planned to be performed.

9 Section 2. That § 34-25-1.1 be amended to read as follows:

10 34-25-1.1. Terms as used in this chapter mean:

11 (1) "Dead body," a lifeless human body or parts thereof from the state of which it may
12 reasonably be concluded that death recently occurred;

13 (2) "Department," the state Department of Health;

14 (3) "Fetal death," death prior to the complete expulsion or extraction from its mother of
15 a product of human conception, irrespective of the duration of pregnancy. The death
16 is indicated by the fact that after such expulsion or extraction, the fetus does not
17 breathe or show any other evidence of life such as beating of the heart, pulsation of
18 the umbilical cord, or definite movement of voluntary muscles;

19 (4) "Fetus," the biological offspring, including the implanted embryo or unborn child, of
20 human parents;

21 (5) "Final disposition," the burial, interment, cremation, or other disposition of a dead
22 body or fetus;

23 ~~(5)~~(6) "Institution," any establishment, public or private, which provides in-patient medical,
24 surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to
25 two or more unrelated individuals, or to which persons are committed by law;

1 ~~(6)~~(7) "Live birth," the complete expulsion or extraction from its mother of a product of
2 human conception, irrespective of the duration of pregnancy, which, after such
3 expulsion or extraction, breathes or shows any other evidence of life such as beating
4 of the heart, pulsation of the umbilical cord, or definite movement of voluntary
5 muscles, whether or not the umbilical cord has been cut or the placenta is attached;
6 ~~(7)~~(8) "System of vital registration," the process by which vital records are collected,
7 completed, amended, certified, filed, preserved, and incorporated into the official
8 records of the office of vital records, and activities related thereto including the
9 tabulation, analysis, and publication of statistical data derived from such records;
10 ~~(8)~~(9) "Vital records," records of birth, death, fetal death, burial, marriage, divorce, and data
11 related thereto as entered on forms prescribed by the department.